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HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 3877 of 2005

Petitioner — P. K. Kawachi, Son of Shri Rajau Ram kawachi, Caste – Gond, aged 35 years, Assistant Teacher, Midle School Kulharkatta, Block and Tahsil – Bhanupratappur, District – Kanker (C.G.).

Versus

Respondents
1. Govt. of Chhattisgarh, Through the Collector, Kanker, District – Kanker (C.G.).
2. The Assistant Commissioner, Adivasi Vikas, Kanker, District – Kanker (C.G.)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Miss Purnima Singh, Advocate for the petitioner.
Miss Sunita Jain, Panel lawyer for the respondents/State.

ORDER

(Passed on this 13th day of March, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as Assistant Teacher at Midle School, Kulharkatta, Block & Tahsil – Bhanupratapur, District- Kanker was transferred to High School, Amodi, Block & Tahsil - Antagarh, on the same terms and conditions, vide impugned order dated 5.9.2001 (Annexure A/1).

2. The Madhya Pradesh Administrative Tribunal at Raipur vide interim order dated 9.10.2001 directed to maintain status quo in regard to the position of the petitioner as was prevailing on 26.9.2001. By virtue of the interim order the petitioner is continuing at the original place of posting.

3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer

order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted, keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.

5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur